IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27092 of 2007(A)

PETITIONER:

K.SUBAIR, AGED 46 YEARS,
S/O MUHAMMED, KARUTHEDATHU VEEDU,
KOORI ROAD, GUDALAI, KALPETTA P.O.,
WAYANAD DISTRICT.

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENTS:

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1. THE KERALA STATE CO-OPERATIVE BANK LTD.,
WAYANAD BRANCH, LEO HOSPITAL ROAD,
KALPETTA-673121, REPRESENTED BY ITS
SENIOR MANAGER.

2. THE DEPUTY GENERAL MANAGER(AUTHORISED
OFFICER), THE KERALA STATE CO-OPERATIVE BANK LTD.,
REGIONAL OFFICE, KOZHIKODE-673002.

BY ADV. SRI.NAGARAJ NARAYANAN,SC,K.S.CO-OP BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 27092 of 2007

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Dated this the 18th day of September, 2007

JUDGMENT

The following are the prayers:

> "i. Issue a writ of certiorari or any other appropriate writ, direction or order and set aside the entire proceedings on the basis of Ext.P3dated 10.2.2007 and P5 issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Ordinance, 2002.
>
> ii. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to allow the petitioner to pay off the defaulted instalments of loan amount within a reasonable time to be fixed by this Hon'ble court."

Petitioner does not press prayer No.1.

2. I heard learned counsel for the respondent Bank also.

3. It is submitted that the petitioner has made a petition for allowing him to pay the defaulted instalments of loan within a reasonable time and it is pending consideration.

The writ petition is disposed of as follows:

If the petitioner has filed a petition seeking for permission to pay off the defaulted instalments of loan, a decision will be taken thereon by the second respondent within a period of two weeks from the date of receipt of a copy of this judgment. Till such time as a decision is taken and communicated to the petitioner, proceedings will be kept in abeyance.

(K.M. JOSEPH, JUDGE)

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